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FM AMEMBASSY QUITO
TO RUEHGV/USMISSION GENEVA IMMEDIATE 0336
RUEHC/SECSTATE WASHDC IMMEDIATE 4521
RUCNDT/USMISSION USUN NEW YORK IMMEDIATE 0074
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 5664
RUEHCV/AMEMBASSY CARACAS PRIORITY 1770
RUEHLP/AMEMBASSY LA PAZ JUN 9854
RUEHPE/AMEMBASSY LIMA PRIORITY 0635
RUEHGL/AMCONSUL GUAYAQUIL PRIORITY 0591

UNCLAS QUITO 001386

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E.O. 12958: N/A
TAGS: [PHUM](#) [PREL](#) [EC](#)
SUBJECT: GOE INCLINED TO SUPPORT UN INDIGENOUS DECLARATION

REF: A. SECSTATE 78740

[1](#)B. SECSTATE 78829

[1](#)1. (SBU) PolOff presented reftel points to Augusto Saa, Director of Human Rights and Social and Environmental issues at the MFA, on May 22, emphasizing the USG view that the Chair's draft Declaration on the Rights of Indigenous Peoples is fundamentally flawed. Saa said the GOE is inclined to support the draft Declaration, but said he would share USG concerns regarding the declaration with Ecuador's mission to the UN. He agreed that more discussion of the declaration would be necessary before a final vote and said Ecuador would not push for passage of the Chair's text without greater consensus.

[1](#)2. (SBU) Regarding the implementation of land rights as described in the declaration, Saa believed Ecuador was already in compliance. Ecuador's 1998 Constitution already "mostly" complies with ILO convention 169 on Indigenous and Tribal Peoples in Independent Countries, to which Ecuador is a signatory including provisions on rights to subsoil resources, according to Saa. The Constitution states that indigenous peoples are the legitimate owners of renewable resources on their territory and must be consulted regarding any development of non-renewable resources on their land, with these consultations allowing for community benefits from the resources. Saa said that the GOE would have difficulty returning ownership of previously occupied indigenous land, but that currently the GOE was taking steps to provide communal land titling to indigenous. Saa said that the GOE was most concerned with issues of self-determination and specifically did not wish indigenous laws to be superior to national laws. Saa acknowledged that there could be serious legal implications for the implementation of the declaration in other countries.

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